

## **REMARKS**

Claims 9-17 and 19-20 are pending in the present application. Independent claims 9 and 17 are amended herein.

### **Applicant's Telephonic Interview with the Examiner**

Applicant conducted a telephonic interview with the Examiner on December 5, 2003 and discussed references to U.S. Patent No. 5,910,782 to Schmitt et al (hereinafter "Schmitt"), U.S. Patent No. 6,340,935 to Hall (hereinafter "Hall") and U.S. Patent No. 6,501,391 to Racunas, Jr. (hereinafter "Racunas"). Applicant thanks the Examiner and greatly appreciates his time and effort in discussing the present application. In a preliminary conversation with the Examiner, Applicant agreed to discuss the references in terms of a proposed amendment to claims 9 and 17. The proposed amendments are the same as the amendments to claims 9 and 17 presented herewith.

Applicant pointed out that Schmitt does not disclose each and every element claimed in the present application. In particular, Applicant argued that Schmitt does not disclose a central processor in communication with a vehicle detector wherein the central processor integrates an occupancy database with geographical map data. In Schmitt, any combination of occupancy data with geographical map data is performed by an on-board navigation system. Applicant argued further that this distinction is important because, unlike the present invention, the system design of Schmitt requires "an on-board navigation computer or the like vehicle navigation system." (Col. 3, lines 6-7). The present invention is therefore a great improvement over Schmitt.

To clarify the distinction over Schmitt, applicant amended claim 9 to recite "an electronic street map which is capable of being displayed on a standard computer." Claim 17 is amended to recite "wherein said active street-map is capable of being interpreted by a standard computer system for displaying graphical indicators of parking space status at space locations on an

electronic street map.” The Examiner acknowledged that the Schmitt did not anticipate the claims under 35 U.S.C. 102. It was not stated whether Examiner’s acknowledgement was dependent on the proposed amendment. Applicant hereby requests the Examiner to formally withdraw the rejection under 35 U.S.C. 102.

The Examiner indicated that he could not at that time acknowledge that the claims including the proposed amendment would be non-obvious over certain additional references under 35 U.S.C. 103. The Hall reference was then discussed with respect to 35 U.S.C. 103 in combination with Schmitt.

Applicant argued that Hall has nothing to do with the present invention because Hall discloses a parking lot management system. Nothing in Hall teaches or suggests anything about geographical map data or an electronic street map. In the Office Action, the Examiner had indicated that Hall discloses a central computer and a display monitor that displays the number of spaces, their physical layout, location and parking status, (fig 3). Applicant Argued that the indications of parking space availability of shown in Hall are not integrated with geographical map data. Rather they are simply schematic diagrams of parking spaces in a lot. Applicant argued that even if a combination of Hall and Schmitt would suggest each of the claimed elements in the present invention, there is no motivation to combine the two contained in the references. Further Applicant argued that persons having ordinary skill in the art would not be motivated to combine Hall and Schmitt without using improper hindsight.

In a follow up-conversation, the Examiner indicated that Racunas discloses combining occupancy data with geographical map data. When Applicant disagreed, the Examiner pointed to Racunas col. 5, lines 5 – 15, and particularly to the recitation of “a graphical map” at column 5, line 12. Applicant indicated that he would review the particular reference.

### **Rejections under 35 U.S.C. § 103**

Applicant has reviewed the Racunas reference and maintains that Racunas, like Hall, does not teach or suggest anything about combining geographical map data with parking

availability data as claimed. Rather, the “graphical map” (not GEO-graphical) map recited in Racunas refers to schematic representations of parking spaces within a lot, and has nothing to do with geographical maps or combining geographical maps with parking availability data as claimed. Applicant submits that the distinction between geographical maps and graphical maps is important because a navigation function implied in the term “geographical” is an essential feature of the invention. The navigation function is manifest in the claims which recite geographical map data and electronic street maps. Applicant maintains that nothing in the Racunas or Schmitt references suggest any motivation to combine the two in a way that would disclose, teach or suggest the present invention. Applicant further maintains that persons skilled in the art would not be motivated to combine Schmitt or Racunas in any way that would disclose, teach or suggest the present invention without using improper hindsight.

Applicant respectfully submits because the cited references alone or in combination do not teach or suggest each and every element claimed arranged as in the claims, and because the references do not contain motivation to combine within the references, and because persons skilled in the art would not be motivated to combine the references without impermissible hindsight, the Examiner has not made a prima facie case of obviousness under 35 U.S.C. 103. Accordingly applicant requests that the rejections under 35 U.S.C. 103 be withdrawn.

#### **Additional References**

Applicant has reviewed U.S. Patents No. 6,380,851; 6,147,642; 6,037,880; and 5,777,951 and respectfully submits that none of these additional references teaches or suggests combining parking availability data with geographical map data as claimed, and particularly do not suggest combining such data on a central processor for viewing on a standard computer.

#### **Rejection under 35 U.S.C. 112**

Claim 11 is amended herein to change “the internet” to “an internet”.

**Claim Objection**

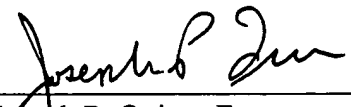
Claim 17 is amended herein to change "a vehicle in at said at least one" to "the vehicle in said at least one" according to the Examiner's suggestion.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

The three month period for response to the Non-Final Office Action expired on October 30, 2003. Please treat this paper as a petition to extend the time by three months. Please charge our deposit account No. 50-0369 in the amount of \$475.00 to cover the fee for the three month extension of time. Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any additional extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369 therefore.

Respectfully submitted,

1/26/04  
Dated:

  
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